

DOCKET NO.: MSFT-1961/303999.1
Application No.: 10/610,689
Office Action Dated: February 27, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Amendments to the Drawings:

The attached sheet(s) of drawings includes changes to Fig(s) **1**. The sheet(s), which includes Fig(s) **1**, replaces the original sheet(s) including Fig(s) **1**.

Attachment: Replacement Sheet(s)

REMARKS

Claims 1-11, 14-20, 23-29, and 32-36 are pending in this application, all of which stand finally rejected. Claims 1-6, 8, 10, 11, 14-20, 23-25, 27-29, and 32-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,347,342 (Marcos) in view of the NPL reference Taylor. Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Taylor, and in further view of U.S. Patent No. 6,230,117 (Lymer). Claims 9 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Taylor, and in further view of the NPL reference Tannenbaum. Figure 1 of the drawings has been objected to, and claims 1-11 and 23-29 have been objected to.

Section 103 Rejection

Applicants have previously argued that the applied references do not show that error information contained in an FMH7 field is converted to header information usable with the TCP protocol (or an Internet protocol, in accordance with the language now used in the amended claims). The crux of the Examiner's position, as stated in paragraph 3 of the Office Action (and as applied specifically to the independent claims in subsequent portions of the Action), is that Taylor's mention of "FMH7", and Marcos's general description of conversion between protocols, together show that an FMH7 field of one protocol can be converted for use in another protocol.

However, the Examiner ignores the specific features claimed. Claim 1 defines that an FMH7 field contains error information, and that a conversion is performed to produce (1) a reply, that comprises (2) header information that is usable (3) with an Internet protocol, and (4) that represents the error information contained in the FMH7 field. It should be noted that this feature is not merely the general conversion of FMH7 into some other protocol, but specifically the creation of a reply that comprises a header that represents the FMH7 information. There is no teaching or suggestion in either Marcos or Taylor that the error information contained in the FMH7 field would be converted to a header for use with TCP or any other Internet protocol.

Moreover, what is particularly telling in this case is that, while Marcos is arguably concerned with translation between protocols, and Taylor is specifically concerned with integration between TCP and SNA, neither reference mentions the solution of converting a field into a header. Marcos scarcely mentions the term “header” at all (it appears only in certain files names, not in any substantive discussion). And while Taylor is specifically directed to the “integration” of TCP and SNA, and mentions the FMH7 field, it does not discuss the use of a header usable with TCP (or any other Internet protocol) to represent the information contained in the FMH7 field. The fact that these references and the present claims appear to be directed to related problems, but that the references do not describe or even hint at the header solution defined in claim 1, strongly indicates that the features defined in claim 1 are not obvious.

Moreover, applicants note that independent claims 14, 23, and 32 define features similar to that discussed above for claim 1, and thus define over the references for similar reasons.

For these reasons, applicants submit that the section 103 rejection should be reconsidered and withdrawn.

Claim objections

The Examiner objects to claims 1-11 and 23-29. However, the objection appears to be based on informalities in claims 1, 11 and 23, which the Examiner has carried through to dependent claims 2-11 and 24-29. (See Office Action, top of page 4.) Applicants have amended claims 1, 11, and 23, and these amendments address the claim language informalities raised by the Examiner at the top of page 4 of the Office Action. In view of these amendments, applicants request that the objections to claims 1-11 and 23-29 be withdrawn.

Response to Paragraph 4

In paragraph 4 of the Office Action, the Examiner questions whether paragraph 0056 supports certain portions of the claim amendments. The Examiner also notes that the claim amendments relating to header information are supported by original claims 30 and 31. Since

the Office Action does not state a new matter objection to the prior amendment, applicants assume that the earlier amendments have been found to be supported – either by the portions of the original filing proffered by applicants, or by other portions.

Drawings

The Examiner objects to FIG. 1 under MPEP 608.02(g), saying that it shows only what is old, and requests that applicants insert a legend “such as –Prior Art–”. Applicants do not address the merits of the Examiner’s assertion that FIG. 1 shows only what is old, and neither dispute nor acquiesce in this characterization. To further prosecution, applicants have inserted the legend “previous developments” into the drawing. Applicants note that MPEP 608.02(g) does not require the words “prior art,” but merely a legend “such as –Prior Art–”. The phrase “previous developments” is sufficient to describe the nature of Figure 1, and thus applicants have chosen to label Fig. 1 in this way, which is within the contemplation of MPEP 608.02(g).

No new matter

The present amendments do not introduce new matter. Claims 1, 14, 23, and 32 have been amended to replace the phrase “an FMH7 field of an SNA protocol” with “an FMH7 field.” The removal of reference to the SNA protocol addresses a definiteness issue raised by the Examiner, and the FMH7 field remains supported by the original disclosure, both by the original dependent claims in which that feature appeared, and by at least paragraphs 0043 and 0056 of the original application, and thus does not introduce new matter.

Claims 1, 14, 23, and 32 have also been amended to replace “TCP protocol” with “Internet protocol.” This amendment addresses a definiteness issue raised by the Examiner. The use of the Internet is described at least at paragraph 0035 of the original application, and it is known that TCP is a protocol used with the Internet. Thus, this amendment does not introduce new matter.

Claim 23 has been amended to address certain antecedent basis issues, by referring back to the terms “environment” and “indication” that were introduced in the original versions of those claims. Thus these amendments do not introduce new matter.

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Conclusion

For all of the foregoing reasons, applicants submit that this case is in condition for allowance.

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/Steven J. Rocci/
Steven J. Rocci
Registration No. 30,489

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439